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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

21906	7590	06/05/2006

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EXAMINER
TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

   4a) Of the above claim(s) *4-5; 14-15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 6-13; 16-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 03/06/2006 has been entered.

2. This action is response to communications: application, filed on 11/17/2000;

amendment filed 03/06/2006. Claims 1-28 are pending; claims 4-5, 14-15, 22 are cancelled;

3. The applicant's arguments file on 03/06/2006 have fully considered but they are moot

in view with new ground for rejections

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or descry bed as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 1-3, 6-8, 10-13, 16-18 and 20-21, 23-28 are rejected under 35 U.S.C 103(a) as

being un-patentable over Karft et al. (U.S. 6,112,225) in view of Zack et al. (U.S.

2002/0124041)

Regarding to claims 1, 11 and 21:

Karft discloses the invention substantially as claimed, including a method and an apparatus, which can be implemented in a computer hardware or software code for assigning subtasks to network devices, comprising:

Assigning, from a server, distributed computing tasks to a network of processor-based client devices; the client device assigned to the task: (Karft discloses communication between "a coordinating computer" which is equivalent to "a server" and "subscribing computers" which is equivalent to "processor-based client devices;" wherein the coordinating computer divides a task into multiple subtasks, and assigns each subtask to each subscribing computer for executing: abstract, lines 1-26)

However, Karft does not explicitly disclose estimating, at said server, based on a client device's resources and the current time, time for the client device to complete assigned task

In analogous art, Zack discloses "the processing server" which is equivalent to "a server" estimates completed time for each of task processed by processing units; the processing server monitors to determine if the task shall be completed in the given period time assigned based upon it's available resources: ([0002]-[0003]; [0019]-[0020]; [0056]; [0058]-[0059])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Zack's ideas of estimating completed time for each of task processed by processing units with Karft's system in order to be able to complete a task in the given period time, see ([0003])

Regarding to claims 2, 12 and 24:

In addition to rejection in claims 1, 11 and 21, Karft - Zack further discloses establishing a persistent connection between at least one of said devices and a server: (communication between the coordinating computer and the subscribing computers: abstract, lines 1-26)

Regarding to claims 3, 13:

In addition to rejection in claims 1, and 11, Karft - Zack further discloses subdividing a distributed computing job into tasks and assigning each of said tasks to a different device: (Karft: the coordinating computer divides a task into multiple subtasks, and assigns each subtask to each subscribing computer for executing: abstract, lines 1-26)

Regarding to claims 10 and 20:

In addition to rejection in claims 1, and 11, Karft - Zack further discloses the coordinating computer receives the task results from subscribing computers: (Karft discloses returning results from subscribing computers to the coordinating computer: abstract, lines 1-26)

Regarding to claims 6, 16, and 27:

In addition to rejection in claims 1, and 11, Karft - Zack further discloses automatically request said results from said task after the passage of said time estimate: (Karft discloses returning results from subscribing computers to the coordinating computer: abstract, lines 1-26)

Regarding to claim 23:

In addition to rejection in claim 21, Karft - Zack further discloses said server is a system management server: (Karft: "coordinating server" which is shared functionality with "a system management server:" abstract, lines 1-26)

Regarding to claim 7, 17 and 28:

In addition to rejection in claims 1, 11 and 26, Karft - Zack further discloses automatically requesting said results after the passage of said time estimate

Regarding to claims 8 and 18:

In addition to rejection in claims 1, 11, Karft - Zack further includes software on a device: (Karft discloses "software module" which is equivalent to "software": column 4, lines 48-60)

Regarding to claims 25-26:

The system server of claim 21 wherein said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks, assign said tasks to specific processor-based clients, and estimate the time to complete said job by said clients

This claim is reject under rationale of claim 21

Claims 9 and 19 are rejected under 35 U.S.C 103(a) as being un-patentable over Karft-Zack in view of Kisor (U.S. 6,098,091)

Regarding to claims 9 and 19:

The method of claim 1 including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly, (Kisor discloses sending acknowledge code to indicate a success receiving: [0079])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kisor's ideas of estimating completed time for each of task processed by processing units with Karft-Zack's system in order to be able to process synchronized data transferring between communication systems, see ([0079])
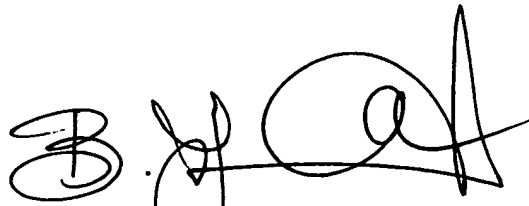
Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldt
05/26/2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER